

MARCH 10, 2008

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

08 C 1404

STANISLAW S. CHRUPCZAK and ELIZABETA T.
CHRUPCZAK,

Plaintiffs,

v.

AURORA LOAN SERVICES, INC., LEHMAN
BROTHERS BANK, FSB, ELITE FINANCIAL
INVESTMENTS, INC., ALAN WALSH, LUKASZ
CIURA, and LAWYERS TITLE INSURANCE
COMPANY,

Defendants.

**JUDGE LEINENWEBER
MAGISTRATE JUDGE VALDEZ**

NOTICE OF REMOVAL

NOW COMES Defendant Aurora Loan Services, LLC ("*Aurora*"), by and through its attorneys, pursuant to 28 U.S.C. §§ 1331, 1367, 1441, and 1446, and hereby removes to this Federal Court the case entitled Stanislaw S. Chrupczak et al. v. Aurora Loan Services, Inc. et al., No. 08 CH 4885, from the Circuit Court of Cook County, Illinois. In support of this Notice of Removal, Aurora states as follows:

1. On February 7, 2008, Stanislaw S. Chrupczak and Elizabeta T. Chrupczak ("*Plaintiffs*") filed the above-titled lawsuit in the Circuit Court of Cook County, Illinois against Aurora and the other defendants set forth below. A true and correct copy of Plaintiffs' Complaint ("*Complaint*") is attached hereto as Exhibit A.

2. In lieu of formal service, Plaintiffs sent Aurora a copy of the Complaint, and a request for waiver of service of summons by U.S. mail pursuant to 735 ILCS 5/2-213 and Illinois

Supreme Court Rule 101(f). Aurora signed and agreed to the waiver of service of summons on March 7, 2008. A true and correct copy of the executed waiver of service of summons is attached hereto as Exhibit B.

3. Upon information and belief, the other named defendants, Lehman Brothers Bank, FSB, Elite Financial Investments, Inc., Alan Walsh, Lukasz Ciura, and Lawyers Title Insurance Company, have not been personally served with a summons and have not agreed to waive service of summons as of the date of this Notice of Removal.

4. Pursuant to 28 U.S.C. § 1446(b), Aurora timely files this Notice of Removal within thirty (30) days after agreeing to waive service of summons.

5. Except for the Complaint, no other process, pleadings, or orders have been served on any defendant, or to Aurora's knowledge, have been filed in the State court.

6. This Federal Court has original jurisdiction over this case pursuant to 28 U.S.C §§ 1331 (federal subject matter jurisdiction) and 1367 (supplemental jurisdiction).

7. In the Complaint, Plaintiffs allege that all of the defendants violated the federal Real Estate Settlement Procedures Act ("*RESPA*"), 12 U.S.C. §§ 2601 *et seq.*, and the Truth in Lending Act ("*TILA*"), 15 U.S.C. §§ 1601 *et seq.* in connection with first and second mortgage loans made to Plaintiffs in February 2007.

8. In addition to the TILA and RESPA counts, Plaintiffs' Complaint includes non-federal counts against all of the defendants that also arise from the same mortgage loans made to Plaintiffs.

9. Pursuant to 28 U.S.C. § 1367(a), this Federal Court has supplemental jurisdiction over these non-federal counts because they are related to Plaintiffs' RESPA and TILA claims and form part of the same case or controversy.

10. This case may be removed to this Federal Court by Aurora under 28 U.S.C. §§ 1441(a) and 1441(c) because this case is a civil action brought in a State court within the Northern District of Illinois, Eastern Division, and the district courts of the United States have original jurisdiction over the Complaint.

11. Pursuant to 28 U.S.C. § 1446(d), the Lender Defendants have simultaneously filed a copy of this Notice of Removal with the Circuit Court of Cook County, Illinois. Written notice of the filing of the Notice of Removal will be provided to the Plaintiffs.

WHEREFORE, Defendant Aurora Loan Services, LLC removes this case from the Circuit Court of Cook County, Illinois to the United States District Court for the Northern District of Illinois, Eastern Division.

Dated: March 10, 2008

Respectfully submitted,

AURORA LOAN SERVICES, LLC

By s/ Stephen Todd Sipe
One of Its Attorneys

Dianne E. Rist
S. Todd Sipe
CHAPMAN AND CUTLER LLP
111 West Monroe Street
Chicago, Illinois 60603
(312) 845-3000

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that he caused a true and correct copy of the foregoing Notice of Removal to be served upon:

Kelli Dudley
CHICAGO LEGAL CLINIC, INC.
2938 East Ninety-first Street
Chicago, Illinois 60617

Ana McNamara
910 W. Van Buren, Suite 119
Chicago, IL 60607

by first class U.S. Mail before the close of business this 10th day of March, 2008.

s/ Stephen Todd Sipe

S. Todd Sipe